IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2864 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Mahesh Pahane for the petitioner.
Mr.S.R.Nargolkar AGP for the respondents

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 23RD SEPTEMBER, 2005

P.C.:

. By this petition, the petitioner has made the following prayers:

> "(a) that this Hon'ble Court be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, directing the Respondents herein to consider and constitute a Departmental Enquiry against Respondent Nos.6 and 7 as per direction of the Divisional Commissioner, Respondent No.1 herein in his Order dated 28th May, 2003 and thereafter take an action in respect of the property being City Survey No.1440 situated at Bhigwan (Takrarwadi) Tal.Indapur, District Pune.
>
> (b) that this Hon'ble Court considering the fraudulent circumstances, in which Respondent No.6 is preventing any further action being taken in the matter, it is prayed that the matter may be dispose off at the admission stage itself."

2. Similar prayers were made earlier by this very petitioner in writ petition No.2442 of 1999 which was decided on 12.6.2000 wherein the following directions were issued:

> "In the circumstances we direct the respondent no.4 to hold an enquiry into the complaint made by the petitioner and after giving an opportunity of hearing to respondent nos.6 and 7 and the petitioner, pass appropriate order in accordance with law within a period of three months from today."

3. In pursuance of this order the departmental enquiry was already commenced and certain orders have been passed. This petition is again filed on the ground that inspite of initiation of the enquiry no further action is taken. The remedy is to seek implementation of the order dated 12th June, 2000 and not fresh writ petition with same prayers. Since the petitioner has that remedy available this petition is rejected.

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